IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE ELEVENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION No. 20768 of 2004

Between:

Ahmed Muzafaruddin, S/o. Ahmed Jan, aged 52 years,

Occ: Assistant Grade III Depot, R/o. Flat No. 304 Sri Sai Residency,

Laxminagar Colony, Saidabad, Hyderabad.

..... PETITIONER

AND

1 The Senior Regional Manager, Food Corporation of India,
A.P. Region, HACA Bhawan, Hyderabad.
2 The District Manager, Food Corporation of India,

Nalgonda District Office, Nalgonda.
3 The District Manager, Food Corporation of India,
Tarnaka District office, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order direction or writ particularly one in the nature of writ of MANDAMUS or any other appropriate writ, (i) declaring the action of the respondents in ordering for recovery of money from the petitioner towards transit losses, full bag shortages without conducting detailed enquiry as required under Rule 58 of the F.C.I. Staff Regulations 1971 is illegal (ii) declare that action of the respondents in issuing the final orders of recovery vide order No. Vig.3(1)/2001/6 dated 29-10-2004 issued by the second respondent as illegal, arbitrary and violative of principles of natural justice and consequently set aside the same.

Counsel for the Petitioner: MR.G.VIDYASAGAR

Counsel for the Respondents: MR.B.ANJANEYULU

The Court at the admission stage made the following:

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ORDER:

The petitioner is working as an Assistant Grade III in the respondent Corporation. He was issued charge sheet for certain transit losses. He submitted his explanation. The respondents imposed penalty, ordering recovery of Rs.82,752/- being 1/3rd of the loss in 10 instalments, from the salary of the petitioner, vide order No. Vig.3(1)/2001/6, dated 29.10.2004. Therefore, the petitioner approached this Court, through this writ petition, seeking declaration that the action of the respondents in ordering for recovery of money from him as illegal and arbitrary.

2. The learned counsel for the respondents represented that as against the impugned order, statutory appeal lies to the 1st respondent, within 45 days, from the date of receipt of the said order. He also submitted that till the disposal of the appeal, they would not pursue the recovery of monthly instalments from the petitioner.

3. In view of the submissions made by the learned counsel for the respondents, the petitioner is directed to file statutory appeal before the competent authority, and on such the appeal by the petitioner, the authority shall dispose of the same within 3 (three) months. In the meanwhile, the respondents are directed not to recover the monthly instalments from the petitioner in pursuance of the impugned order.

4. The Writ Petition is, accordingly, disposed of. No costs.

dsr

ASSISTANT REGISTRAR

To:

1. The Senior Regional Manager,

Food Corporation of India,

A.P.Region, HACA Bhawan, Hyderabad

2. The District Manager,

Food Corporation of India,

Nalgonda District Office, Nalgonda

3. The District Manager,

Food Corporation of India,

Tarnaka District Office, Hyderabad

4. Two CD copies.